DOCUMENT RESUME

ED 276 366 HE 019 865

AUTHOR	Douglas, Joel M., Ed.
TITLE	"Yeshivawatch"--Year Seven.
INSTITUTION	City Univ. of New York, N.Y. Bernard Baruch Coll. National Center for the Study of Collective Bargaining in Higher Education and the Professions.
PUB DATE	Oct 86
NOTE	10p.
AVAILABLE FROM	National Center for the Study of Collective Bargaining in Higher Education and the Professions, Baruch College, 17 Lexington Avenue, New York, NY 10010 ($4.00).
PUB TYPE	Collected Works - Serials (022) -- Reports - Descriptive (141)
JOURNAL CIT	Newsletter of the National Center for the Study of Collective Bargaining in Higher Education and the Professions; v14 n4 Sep-Oct 1986
EDRS PRICE	MF01 Plus Postage. PC Not Available from EDRS.
DESCRIPTORS	*Administrator Responsibility; *Collective Bargaining; College Faculty; *Court Litigation; Employment Practices; Faculty College Relationship; Higher Education; *Personnel Policy; *Private Colleges; Teacher Responsibility; *Unions
IDENTIFIERS	*National Labor Relations Board v Yeshiva Univ

ABSTRACT

New court decisions that have claims like the "National Labor Relations Board v. Yeshiva" case are briefly described. Cases of the following colleges that have Yeshiva-related claims are outlined: Florida Memorial College, The Cooper Union for the Advancement of Science and Art, Fairleigh Dickinson University, and Boston University. It is suggested that after nearly 60 Yeshiva-related cases, no definitive standard of managerial and/or supervisory employees within a unionized university setting has been articulated. Faculty unionists repeatedly argue that the instant case can be distinguished from "Yeshiva" and that the bargaining unit is entitled to the protection of the National Labor Relations Act. For the most part, the National Labor Relations Board and the courts have continued to apply the "Yeshiva" doctrine to college faculty who appear to possess managerial status. It is argued that if "Yeshiva" is to be reversed and bargaining rights restored to faculty at private colleges, it appears that faculty unionists will have to forge coalitions with their union and management counterparts in the industrial trade movement. "Yeshiva" may have to be reversed not only on legal grounds but because of economic and political pressure generated by the AFL-CIO and large scale corporate interests. (SW)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

ED276366

NEWSLETTER - National Center for the Study of Collective Bargaining in Higher Education and the Professions

Published at Baruch College - City University of New York - Vol 14 No. 4 Sept/Oct 1986

"YESHIVAWATCH" - YEAR SEVEN

"PERMISSION TO REPRODUCE THIS MATERIAL IN MICROFICHE ONLY HAS BEEN GRANTED BY

NCSCBHE
Baruch College

TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)."

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

☐ This document has been reproduced as received from the person or organization originating it.

☑ Minor changes have been made to improve reproduction quality.

• Points of view or opinions stated in this document do not necessarily represent official OERI position or policy.

HE019865

NEWSLETTER
NATIONAL CENTER FOR THE STUDY OF COLLECTIVE BARGAINING IN HIGHER EDUCATION AND THE PROFESSIONS

Published at Baruch College • City University of New York • Vol. 14 No. 4 • Sept/Oct 1986

"YESHIVAWATCH" — YEAR SEVEN

"The Supreme Court decision on professors at Yeshiva University could mean that if teachers try to influence school policy, they might not be allowed to bargain collectively. That's dumb!"

— Secretary of Labor William E. Brock
May 29, 1986

Rarely, does one find a cabinet officer criticizing a decision of the United States Supreme Court (USSC), however, Secretary of Labor Brock, at a recent Federal Mediation and Conciliation Service conference on labor management cooperation, did that when he questioned the wisdom of the Court in Yeshiva. Brock asked whether or not it was a sound labor relations policy to penalize unions for operating in a cooperative mode if the price of said cooperation was to lose NLRA protections. While Secretary Brock was not addressing academic collective bargaining per se, it is interesting to note his choice of examples to urge his call for greater labor-management cooperation was Yeshiva.

The decision of the USSC appears to be indicative of the debate currently being waged among labor relations scholars, practitioners and lawyers over the issue of labor-management cooperation. At a time when cooperative arrangements are in vogue e.g., the recent General Motors-Toyota-UAW agreement to produce the Saturn Project, unions are asking if the price of cooperation, vis-a-vis Yeshiva might be self defeating.

Academic unionists, fearful that college administrators "want it both ways" — cooperation in a union-free environment — are looking towards private sector industrial managers to carry the Yeshiva banner for them, while, at the same time, continuing to litigate to preserve their bargaining rights. In the nearly seven years since the USSC first held that the faculty at Yeshiva University were managers and not entitled to bargain collectively under the protection of the National Labor Relations Act, (see NLRB v. Yeshiva University, 444 U.S. 672) faculty unions have been unable to maintain a viable position in either organizing or protecting faculty bargaining rights at private colleges and universities. Of the nearly sixty claims filed, management has been successful in virtually every significant case.

Since we last updated the "Yeshivawatch" in November of 1985, (see NCSCBHEP Newsletter, Volume 13, No. 5), one new Yeshiva claim, Fairleigh Dickinson University, was filed and four decisions were issued by courts and adminstrative agencies. For a complete summary of the Yeshiva decision and the "Yeshivawatch"-Years One through Six, the reader is referred to NCSCBHEP Newsletters Vol. 8, No. 1; Vol. 9, No. 2; Vol. 10, No. 3; Vol. 11, No. 4; Vol. 12, No. 3 and Vol. 13, No. 5.

A reduction in Yeshiva-related litigation was noted and can be traced to several factors. The primary reason appears to be that any private college that was contemplating a Yeshiva-like claim had already initiated the process. Virtually all the litigation was related to the appellate process. Other reasons for the low frequency of claims is that collective bargaining in private colleges and universities has stabilized. See Table One for a listing of the years in which Yeshiva claims were originally filed. It should be noted that several claims predate Yeshiva. These cases raised similar issues and were adjudicated based on the Yeshiva standard. Those colleges that do bargain have either voluntarily chosen to continue a unionized employment relationship or have made other adjustments in light of Yeshiva. These adjustments include redefining the bargaining unit or expressly stating that the bargaining is not subject to NLRA regulations.

Union organizing of college faculty at private institutions remains minimal. Only two private institutions were newly unionized in 1985; the full-time and part-time faculty at Berklee College of Music in Massachusetts, AFT, and the Nurses and Health Care Professionals at Vassar College, CWA.

TABLE OF CONTENTS

"Yeshivawatch" - Year Seven..... p. 1

"Yeshivawatch" Disposition List—1980-1986..... p. 6

An Appreciation of Aaron Levenstein 1911-1986..... p. 7

No new Yeshiva-like theory has been noted by the National Center during the past year. Faculty unions still press the old arguments that the instant case is somehow distinguishable from Yeshiva while academic managers come forth and explain how powerless they really are and that it is the faculty who, in essence, manage the college. The only possible exception to the Yeshiva litany is that if the Brock statement, noted at the outset of this report, signals a change in public policy geared towards achieving more cooperation in the industrial setting, then the spillover might lessen the Yeshiva impact.

The long-awaited decision in Boston University, a decision that took twelve years from start to finish, was issued. The NLRB reaffirmed the findings of the regional director and held that the faculty were managerial and not entitled to bargain collectively under the Act. While the decision may not have had much impact on the local campus level since the AAUP Chapter at BU was already substantially weakened during the long battle, academic unionists on the national level had looked towards BU as a potential reversal in the tide of Yeshiva defeats. The union victories at Kendall, Cooper Union and Florida Memorial do not appear to be significant in terms of setting any pattern to reverse Yeshiva, however, their impact on the local level should not be minimized.

TABLE ONE
Frequency of Initial Yeshiva Filings

N= 56

1975	1	1981	10
1976	0	1982	8
1977	0	1983	2
1978	2	1984	1
1979	6	1985	0
1980	25	1986	1

Source: NCSCBHEP Research

In three of the cases reported here, appeals have been filed by the employer challenging the granting of NLRA bargaining rights and protections to the faculty. At Florida Memorial, the college still refuses to bargain with the faculty union even after a finding by the NLRB that unfair labor practices were committed by the employer. At last report, the NLRB was seeking compliance of its order in federal court while Florida Memorial has appealed the decision to the United States Court of Appeals (USCCA) for the 11th Circuit. At the Kendall School of Design, the NLRB reaffirmed the findings and recommendations of the regional director which held that the faculty were not managerial and entitled to bargain. Kendall has subsequently filed a motion to "Sever and Adjourn" with respect to several remaining unfair labor practices. At Cooper Union, the USCCA for the 2nd Circuit granted a petition by the NLRB to enforce its order requiring Cooper Union to bargain with its faculty union. The institution requested leave to appeal the decision to the USSC, however, certiorari was denied.

Thus, while the unions have claimed victory at Florida Memorial, Kendall and Cooper Union, the litigation continues in two of these colleges. Faculty unions are asking how many times must they win the same battle before bargaining rights and NLRA protections are restored to them. The hidden question in the litigation concerns the financial and opportunity costs to the parties to pursue their claims. While principle should not be subordinate to finance, it should be noted that the bargaining unit size at these schools is not as large as most unionized institutions. Unit size at these schools is as follows: Florida Memorial—40 faculty; Kendall—50 faculty; and Cooper Union—50 faculty.

This report contains abstracts and comments on the recent decisions and claims in Florida Memorial, Cooper Union, Kendall, Fairleigh Dickinson and Boston University. Two charts are included, one depicting the years in which claims were initially filed and, the other the disposition of each claim.

Item No. 32 Florida Memorial College and United Faculty of Florida (Local 1880, AFT, AFL-CIO, FEA/UNITED) 12 CA-9209, 278 NLRB No. 163 (1986).

The UFF/AFT was first certified at Florida Memorial College as the bargaining unit in 1979. In 1980, the UFF filed an unfair labor practice complaint against the college for refusal to bargain. The College shortly thereafter submitted a unit clarification petition with the regional director of the NLRB. Four years of litigation followed which culminated in a decision on March 27, 1986 supporting the claim of the faculty. The Board held that:

> ...The Respondent has, since 13 October 1982, and at all times thereafter, refused to bargain collectively with the Union as the exclusive representative of the employees in the appropriate unit, and that, by such refusal, the Respondent has engaged in and is engaging in unfair labor practices within the meaning of Section 8(a)(5) and (1) of the Act...

The Board defined the unit as:

> ...All full-time faculty members, professional librarians, and professional counselors employed by Florida Memorial College, but excluding part-time faculty members, administrative staff employees, non-professional employees, guards and

> supervisors as defined in the Act, constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(a) of the Act...By the aforesaid refusal to bargain, the Respondent has interfered, restrained, and coerced, and is interfering with, restraining, and coercing, employees in the exercise of the right guaranteed them in Section 7 of the Act, and thereby has engaged in and is engaging in unfair labor practices within the meaning of Section 8(a)(1) of the Act.

As of the fall semester 1986, Florida Memorial still refuses to bargain with its duly certified faculty bargaining unit. The case is currently before the USCCA for the 11th Circuit. The NLRB is seeking enforcement of their decision, while the administration at Florida Memorial has moved to appeal the decision. Florida Memorial is one of the cases issued this year in which faculty unions appear to have won bargaining rights only to have the employer refuse to comply with either the NLRB or the appropriate court order. The faculty bargaining unit size at Florida Memorial is forty.

==========

Item No. 33 Kendall School of Design and Kendall Faculty Association, MEA/NEA, 7-UC-226, 279 NLRB No. 42 (1986).

Kendall School of Design withdrew recognition from the Kendall Faculty Association MEA/NEA, shortly after the Yeshiva decision. The union thereafter filed an unfair labor practice charge with the regional NLRB. Nearly a year later, and before hearings on the charge began, the College filed a unit clarification petition. In June of 1982, the regional NLRB found that the faculty were not managerial and were entitled to bargain under the protections of the Act. The College filed a request for reconsideration, however, said request was denied. Shortly thereafter, the UC petition of the College was dismissed.

The College appealed to the NLRB, who, in April 1986, dismissed their claim: "The Board has reviewed the record in this proceedings and has affirmed the Regional Director's findings and conclusions." The Board stated:

> In agreeing with the Regional Director that the Employer — Petitioner's faculty are not managerial employees, we disavow his reliance on findings that the board of trustees has final approval on all matters concerning the operation of the school, and that ideas which have their source in collective-bargaining negotiations tend "to negate the managerial status of the faculty".

Subsequent to this decision, Kendall has made a new motion to "sever and adjourn" said order. Hearings on that request were scheduled for October of 1986 and as of this date no bargaining has yet begun. Kendall is, once again, illustrative of the point that unsuccessful employer petitioners in Yeshiva-like matters still continue to litigate and exhaust all administrative and legal remedies prior to compliance to Court and/or Board orders. The faculty bargaining unit size at Kendall is fifty.

==========

Item No. 34 The Cooper Union for the Advancement of Science and Art and Cooper Union Federation of College Teachers, NYSUT/AFT/AFL-CIO 2—CA—17483, 273 NLRB No. 214, United States Court of Appeals for the Second Circuit No. 395—Docket No. 85-4063.

In February 1985, the NLRB reversed the decision of the Regional ALJ and found that the faculty at Cooper Union were not managerial and were entitled to bargain collectively under the protection of the Act. Cooper Union refused to collectively bargain with its faculty and appealed that decision. The NLRB moved in USCCA for the 2nd Circuit for a petition to enforce its bargaining order. Said request for enforcement was granted. The Court stated: "Petition by the NRLB to enforce its order requiring Cooper Union to bargain with its faculty union representative, on the basis that faculty are not managerial or supervisory. Enforcement granted." The Court found:

> Although the (Supreme) Court concluded that Yeshiva's faculty was managerial, it noted that there may be faculty in other institutions of higher learning that are nonmanagerial...In the wake of Yeshiva, the Board and courts of appeals have engaged in intensive fact-based analyses to determine whether a particular college faculty is managerial...Cooper Union's faculty has significant authority in certain core academic matters, but certainly not the "absolute" authority of Yeshiva's faculty, nor even "effective recommendation or control." The authority of bargaining unit faculty over academic matters was also weak because of the presence of administrators, non-bargaining unit (part-time) faculty, and students on various committees, and the power of deans to control the agenda and meeting times of many of the committees...

Concerning non-academic areas, the Court held that:

> The evidence also strongly supports the findings of both the Board and the ALJ that in nonacademic areas noted by the Court in Yeshiva the faculty was

> extremely weak. The Cooper Union faculty has virtually no role in the areas of budget and facilities. Even faculty access to ordinary office supplies is restricted. The faculty has no input into the appointment, retention, or employment conditions of nonteaching staff. Faculty input into appointment of teaching staff and the administrative positions has frequently been bypassed, and faculty tenure and promotion recommendations have frequently been rejected.

The Court cited the decisions in Lewis, Loretto Heights and Ithaca College in support of the decision to deny the managerial claim.

They concluded:

> We agree that the Board had before it substantial evidence that the Cooper Union faculty did not exercise effective recommendation or control in academic or nonacademic areas, and that they are not managerial or supervisory employees.[7] Accordingly we grant the petition to enforce the Board's order to Cooper Union to recognize and bargain with the Union.

---

[7] We do not intend by this opinion either to criticize or condone the actions taken by Cooper Union's administration in response to serious financial pressures. We simply make clear that the consequence of such actions may be to make a college faculty nonmanagerial within the meaning of Yeshiva and the Act.

Subsequent to this decision, Cooper Union filed an appeal with the United States Supreme Court (See USSC Docket No. 85-1790). Arguments on this motion were heard; the Court denied certiorari and the parties are now bargaining a successor agreement. The faculty bargaining unit size at Cooper Union is fifty.

==========

Item No. 35 Fairleigh Dickinson University and Fairleigh Dickinson University Council of AAUP, 22 RC 7198.

During the course of a 7-day faculty strike, the administration filed a "Motion for Revocation" before the Regional NLRB, Region No. 22 in Newark, New Jersey, seeking to terminate the original bargaining unit certification which was first granted to the local AAUP chapter in 1977. The reported foundation of the administration's claim was the managerial status of the faculty and the bargaining over the issue of self governance. Both parties have filed certain informational data concerning the application of Yeshiva at FDU. Hearings were scheduled for Fall 1986.

The AAUP bargained their first contract at FDU in 1975 and have since negoitated five successor agreements. It was during this last round of negotiations and subsequent strike that the Yeshiva claim was once again filed. One of the reported impasse items during the strike was the inclusion of faculty governance procedures in previous Collective Agreements. The administration stated that this type of material was best suited for faculty and policy handbooks and not the Labor Agreement. It is expected that this governance question will resurface during the forthcoming hearings. The bargaining unit at FDU consists of 495 full- and part-time faculty.

==========

Item No. 36 Trustees of Boston University and Boston University Chapter, AAUP, 1—CA—11061.

After twelve years of litigation as to the managerial and supervisory status of faculty at Boston University, the matter appears to have finally been resolved. Although some faculty at BU speak of an appeal of the recent findings of the NLRB that they are not protected employees under the Yeshiva standard and thus have no right to bargain collectively within the Act, observers believe that there are no grounds for the USSC to consider the case and that the matter will finally be ended.

The decision in Boston University was considered by many to be especially critical to the foundation of private sector academic unionism. Many faculty unionists had argued that BU could be won and, if it was, it would signal a reversal and an erosion in the Yeshiva doctrine. It was also understood that failure to reverse BU would make private college faculty organizing extremely difficult.

This decision by the NLRB, September 30, 1986, upheld the findings of the administrative law judge, June 29, 1984, and recommended that they be adopted. The ALJ had stated:

> I find, therefore, that all full-time faculty above the rank of instructor...to be supervisors within the meaning of Section 2(11) of the Act.

The union appealed the decision to the full Board. The NLRB, in their Decision and Order, stated:

> The Board has considered the decision and the record in light of the exceptions and briefs and has decided to affirm the judge's rulings, findings, and conclusions and to adopt the recommended Order.
>
> In adopting the judge's conclusion that the department chairmen and full-time faculty at Boston University are managerial employees under the Yeshiva

standard, we note, as more fully set forth in the attached decision, that the faculty has absolute authority over such matters as grading, teaching methods, graduation requirements, and student discipline. Additionally, the faculty is the moving force and almost always effectively controls matriculation requirements, curriculum, academic calendars, and course schedules. The faculty also plays an effective and determinative role in recommending faculty hiring, tenure, promotions, and reappointments.[3] All of the matters listed are important facets of university policy. That ultimate authority for decision making at the University rests with the president and board of trustees does not alter the fact that, in practice, faculty decisions on all those policy matters are effectuated in the great majority of instances. Nor does the fact that the administration occasionally has made and implemented policy decisions without faculty input detract from the collegial managerial authority consistently exercised by the faculty.

---

[3]We particularly not (sic) their authority to effectively veto curriculum and personnel decisions.

The Boston University case began in 1975 after the faculty union won a bargaining agent election and was duly certified. The university subsequently refused to bargain in spite of a 1977 "Decision and Order" to do so. The bargaining order decision, by the NLRB, was affirmed by the USCCA for the 1st Circuit in 1978. (575 F.2d 301 1978) In March of 1980 and in light of Yeshiva, the USSC granted the university's petition for certiorari and remanded the matter back to the 1st Circuit for further consideration. In September of 1980, the original case was ordered reopened. Hearings were conducted for the next two and half years with a decision being issued in March 1983. This ruling reversed the original findings and upheld the university's claim. The faculty association appealed that decision to the NLRB which affirmed the findings of the ALJ. The original litigation at Boston University began October 18, 1974 and appears to have been concluded on September 30, 1986. The faculty bargaining unit at Boston University had been 860.

SUMMARY

After nearly sixty Yeshiva-related cases, no definitive standard of managerial and/or supervisory employees within a unionized university setting has been articulated. Faculty unionists repeatedly argue that the instant case can be distinguished from Yeshiva and that the bargaining unit is entitled to the protection of the NLRA. For the most part, the NLRB and the courts have continued to apply the Yeshiva doctrine to college faculty who appear to possess the indicia of managerial status.

There are no Yeshiva cases in the pipeline that can be expected to significantly add to the ever growing body of case law in this area.

Professor Aaron Levenstein, a critic of the court's reasoning in Yeshiva, wrote, in the National Center Newsletter, "As some of you may have heard, the Supreme Court says that college professors are managers. Of course, we have been called worse names than that. We were accustomed once to think of ourselves as priests at the altars of learning, but now we are told that we are managers at the counters at commerce." Levenstein's assessment appears to have been correct as the number of successful Yeshiva claims grows.

It is somewhat ironic that the issue of collective bargaining rights for professional employees who partake in cooperative and consensus employment relationships is being litigated in higher education. A fundamental trade union premise is at stake, not only for college professors but for all professional and white collar employees who seek, or who are encouraged to participate in the decision-making process.

If Yeshiva is to be reversed and bargaining rights restored to faculty at private colleges and universities, then it appears that faculty unionists will have to forge coalitions with their union and management counterparts in the industrial trade movement. As increased labor management cooperation becomes a matter of national policy, the decision in the Yeshiva case may be viewed as an obstruction that must be removed if nonadversarial collective bargaining can take place. Yeshiva may have to be reversed; not only on legal grounds but because of economic and political pressure generated by the AFL-CIO and large scale corporate interests. To allow it to stand, might signal an end to cooperation and a return to more traditional adversarial relationships.

NATIONAL CENTER NEWSLETTER

A publication of the National Center issued five times during the year. Annual subscription rate: $20; single copy, $4.00; free to Center members. Back issues available. ISSN 0737-9285

Editor and Director of the Center: Joel M. Douglas
Executive Assistant to the Director: Beth Hillman
Administrative Assistant: Ruby N. Hill
Research Assistants: Elisabeth Kotch
Stephen Bryan

Address all inquiries and contributions to the National Center for the Study of Collective Bargaining in Higher Education and the Professions, Baruch College, 17 Lexington Avenue, Box 322, New York, N.Y. 10010. Telephone: (212) 725-3390.

"YESHIVAWATCH" DISPOSITION LIST — 1980–1986

Institution	Voluntary Resolution	Non-Managerial	Managerial	Union Decertified	Other
Adrian College		X			
Amer. Int'l Coll.					Pending
American Univ.		X			Eng. Inst.
Ashland College	X				
Boston University			X	X	
Bradford College		X			
Catholic U. Law Sch.			X	X	
Coll. of Osteo. Med.			X	X	
Coll. of St. Theresa	X				
Cooper Union		X			
Curry College	X				
Daemen College	X				
Drury College	X				
Duquesne Univ.			X		
Fair. Dickinson U.					Pending
Fla. Memorial Coll.		X			Appealed
Ithaca College			X	X	
Kendall Sch. Design		X			Appealed
Lewis University			X	X	
Livingstone College		X			Appealed
LIU-Bklyn. Ctr.	X				
LIU-C.W. Post	X				
LIU-Coll. of Phar.	X				
LIU-Southampton	X				
Loretto Hgts. Coll.		X			
Milton College					Closed
Montefiore Med. Ctr.	X				
Mt. Allison U. (Can.)		X			
Mt. Vernon Coll.	X				
Nasson College					Bankrupt
NY Medical Coll.		X			
Ohio Northern Univ.			X	X	
Parson's Sch. Design		X			Adj. Fac.
Polytechnic Institute			X	X	
Pratt Institute		X			
Puerto Jr. Coll.		X			
Rio Grande Coll.	X				
St. Joseph's Coll.		X			Appealed
Salem College			X	X	
Seattle University					Pending
Seton Hall Univ.			X	X	
Simon's Rock Coll.	X				
Stephens Coll.(MO)			X	X	
Stephens Inst. Art		X			
Stevens Inst. Tech.			X	X	
Thiel College			X	X	
Univ. of Alaska					Public
U. of Albuquerque			X	X	
U. Cent. de Bayamon		X			
Univ. of New Haven			X	X	
Villanova Univ.					Pending
Wagner College			X	X	
Wichita State U.					Public
Wilberforce Coll.		X			
Wordsworth Acad.		X			
Yeshiva University			X	X	

Source: NCSCBHEP Research

AN APPRECIATION OF AARON LEVENSTEIN
AARON LEVENSTEIN 1911 — 1986

By Leo Cherne

Editor's Note: Aaron Levenstein, long-term Professor, Associate Director of the National Center and a close and trusted friend and colleague passed away this summer. Before he came to Baruch College, he was associated with the Research Institute of America where he worked closely with its Executive Director, Leo Cherne. At Aaron's funeral, Mr. Cherne delivered the following remarks:

Recapturing the sense of a person's life is never simple. In the case of Aaron, it is both infinitely more complex and yet, in a fundamental sense, remarkably clear.

In more than 50 years during which I have known him — and I have had no more valued friend — unlike every other person I've known, there was a clarity and consistency and utter reliability to his purposes and direction.

No one I've ever known compelled me to think of the Hebrew prophets and philosophers. It is this part of recapturing the sense of his life that is quite easy. In the 50 years in which I've known him, Aaron was in constant pursuit of four ideals which guided every activity to which he made a profound contribution. These ideals are truly biblical. They are: truth, freedom, justice and compassion.

His concern for those who are sick or suffer and his unlimited admiration for those who heal, help or care were expressed in three of his long and very close associations. His association with the City of Hope was so significant that they have honored him and will, I know, maintain certain activities in his name.

The dedicated affection he felt for those who heal and comfort led to a unique relationship with nursing groups throughout the United States and he was constantly called upon by them to share his wisdom and guidance. One of his many books was "The Nurse as Manager".

It was in his more than 40-year association with the International Rescue Committee that he expressed that unbelievable steadfast concern for justice, freedom and help to those who often risk their lives to flee the totalitarian countries where the values he cherished are so totally absent.

He was, for years, a key member of the professional staff of the Research Institute of America where the work which engaged him was constantly addressed to the improvement of the wisdom and humanity of management. Indeed, that work began at a time when the major challenge confronting the free countries of the world found England engaged in a deadly struggle to keep the flickering light of justice and decency alive. It is not surprising that the major contribution Aaron made during that period was to strengthen the forces of freedom as they grappled with Hitler's deadly threat to all he held dear.

It was precisely this purpose which also led him to devote so much of his talent to the work of Freedom House which throughout these years has sought to strengthen freedom and justice in our country, even as he participated in the many efforts to eradicate the deficiencies in our society in the search of more perfect political and social justice.

His concern for those deprived, disadvantaged, even disinherited in our own country, engaged him from the day he graduated from law school with the highest academic achievement of any of his classmates. Almost immediately he found himself, at considerable risk, deeply involved in the struggle, side-by-side with blacks in our southern states, sharecroppers and others who sought to establish union protection ruthlessly resisted by many who had not yet accepted the end of slavery as a living fact.

A true scholar is rare and Aaron was, in everything that ever engaged his attention, a rare scholar. But a scholar who, at the same time, finds his work incomplete unless that scholarship also involves his own personal action is far rarer still. And the many books he has written not only reflect that scholarship but are invariably devoted to the subjects to which he and Margery gave of their active devotion in circumstances which, at the minimum, were at the price of extreme hardship.

I can speak particularly of two of these: When in 1970, 10 million of the poorest on the face of the earth fled East Pakistan after a night of terror in which the armies in West Pakistan almost totally destroyed the faculties and student body of East Pakistan's two universities, the Bengalis fled to the poorest of the provinces of India, clustering hopelessly and helplessly around and beyond Calcutta.

At this juncture of Aaron's life, he was already a distinguished professor at the Bernard Baruch School of City College, but as a college professor, he had the summer available just as the tragedy of which I have spoken reached its peak. Aaron and Margery Levenstein went to Calcutta and devoted those two months to administering one of the most remarkable programs of assistance to those people in an environment in which every disease and difficulty flourished. Aaron conceived of a program which would sustain every teacher and doctor still alive who managed to flee, on condition that they go back to the areas where their fellow countrypeople were clustered, to provide education, at least to the children, and medicine to the sick.

Simultaneously, he conceived of a program which sustained the political scientists and other scholars who were not caught in that night of assassination on condition that they devote their talents to planning for the day when their country would be free, as finally it was within less than 18 months. The nucleus of those who formed the first free government of Bangladesh and created, from chaos, a revival of the schools and universities were virtually, without exception, the men and women Aaron and Marge's efforts helped keep alive for that day on which a free country emerged from the chaos.

Similarly, when Aaron undertook to do the biography of the International Rescue Committee, he could have written it sitting in the comfort of his home or the offices of the IRC but instead, he and Margery visited every point on the globe where the IRC was assisting those who had fled tyranny and, for the most part, were still in search of some permanent home.

If he had done nothing else but write "Freedom's Advocate", the history of Freedom House, and "Escape to Freedom", the history of the International Rescue Committee, those two works assure that long after both organizations may have passed from the scene, the vital details of their work and of the ideals they were pursuing will remain a beacon to others who will be carrying on the search for justice, freedom, truth and compassion, taking their inspiration from the invaluable works which bear Aaron's name.

There is no one who was associated with Aaron, in the many years he devoted to Baruch, who can think of him as other than one of the great teachers of our time. The legacy he left for the thousands of students who passed through his classes is a legacy we can never measure nor ever sufficiently repay.

I used to occasionally chide him for accepting an invitation from a very small group eager to benefit from his knowledge and wisdom when, I foolishly insisted, larger groups would result in his knowledge being shared with a greater number of people. My judgement was without effect and the reason was never stated by him but became crystal clear to me — those who would gather in the smaller groups would be neglected by speakers with a fraction of what it is Aaron Levenstein had to convey, whereas, the larger groups would have little difficulty in securing a lecturer, though I must add not one with a fraction of the depth of knowledge and judgement Aaron shared.

I hope that my words have captured something of a human being with the deepest of feelings, with an unremitting passion, guided by a profound love for both the ideas and the people with whom he shared his convictions. That human dimension is always the more difficult to put into words. How does one recapture this dimension? By being privileged to know his three children, and what it is they have devoted their lives to, and how each in his and her way — Beth, Nora and Joe — are such unique and loving children. And certainly one recaptures this dimension of Aaron's life by being as privileged as I am to have observed, with such pleasure, the relationship between Marge and Aaron and the purpose to which she has and continues to devote her life so clearly in the spirit of her husband. I would describe theirs as the most perfect marriage I've ever been privileged to observe. The day-to-day closeness has now been severed, but the marriage will live. It will live, not only in and through Marge, but in the lives of his three children who also owe so much to Pearl, their mother, who years ago suffered the same disease which took Aaron from us. This legacy of humanity and love will be seen also through the lifetime of his grandchildren to whom Marge and Aaron were so devoted.

It is impossible not to assert that Aaron's death is a loss of massive proportions to everything of which I have spoken and others which I've neglected to include. A loss because within the week of his death, ill as he was, he was still at work on his word processor and, in fact, four days from now the last piece he wrote for publication will appear in The Wall Street Journal, which, of course, illustrates the remarkable range of his thought and his life.

Aaron was a socialist. And it is to this democratic socialist the The Wall Street Journal has repeatedly turned, as have so many other publications, for the products of Aaron's extraordinary, creative, consistent humanity.

But having spoken of loss, I would want my remarks to close on a note of celebration because Aaron Levenstein's life has been a life we must all celebrate. It has enriched us, it has protected us, and the output of his mind will continue to guide our actions. I have never once in all these years ever known him to do or to participate in anything which did not have as its object the welfare of someone else. This is the legacy he leaves us.

He leaves us one other legacy — the members of his family. They will live out his life, and to them, we, therefore, will continue to look with a love which is special, even as we now share their sorrow.